

Sexual-orientation bias barred

Patton's policy applies to state cabinet workers

By **CHARLES WOLFE**
Associated Press

FRANKFORT, Ky. — Gov. Paul Patton yesterday signed an order prohibiting discrimination against state government employees or job applicants on the basis of sexual orientation or gender identity.

It applies to the governor's executive cabinet agencies, which employ more than 30,000 people.

Patton leaves office in December, and the next governor could rescind the order.

But Patton believes the action "was the right thing to do" and hopes his successor will keep it in effect, his general counsel, Denis Fleming, said in an interview.

The executive order "makes it a policy of the commonwealth not to discriminate" on any of several bases, including race, religion, sex, age or disability.

Fleming said sexual orientation and gender identity were the "key addition" to the policy, having been suggested to Patton by state Sen. Ernesto Scorsone, D-Lexington.

Fleming said the policy was in the vein of "fairness ordinances" enacted in Louisville, Lexington and Covington.

About a dozen other states have instituted similar policies, Fleming said.

The order does not apply to public institutions or agencies not under the

governor's direct control — such as school districts, colleges and universities.

But for the bulk of the executive branch, "it essentially puts state agencies ... under notice" that there can be no discrimination in hiring or pay and no harassment of individuals for any of the stated reasons, including sexual orientation or gender identity, Fleming said.

Asked if such discrimination has occurred, Fleming said: "We do hear anecdotally of instances ... you could call harassment or belittlement."

In a statement accompanying the order, Patton said he wanted to provide "equal employment opportunity to all people in all aspects of employer-employee relations."

The order "reiterates the philosophy of this administration and establishes

as state policy the principle that people should be judged by their qualifications and conduct in the workplace and not by their status," the statement said.

U.S. Rep. Ernie Fletcher, the Republican nominee to succeed Patton, said he would have to review Patton's order before making a judgment about it.

"I'm not sure if he had any particular cases of discrimination that he pointed to," Fletcher said in an interview in Lexington.

"I've had two policies that I've held. One is that I oppose any discrimination that exists in the work force. And two: I don't think that we ought to initiate any special rights," Fletcher said.

The Democratic nominee, Attorney General Ben Chandler, was vacationing in Maine and unavailable for comment, a spokeswoman said.